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159 boring village of Ta Yu. The reason for this was that Li Fan, the Hsin
312 Hsing man, had taken water from a public irrigation ditch which was
628 at the time considered to be carrying privately owned rather than pub-
lic water. The men from Ta Yu claimed that the water which Li Fan
[474] had taken was from the cooperative pumping station of which he was
not a member. As they were beating him senseless with a metal hoe, his
father tried to come to his aid and was also beaten.

159 The cooperative station, which pumps water from a nearby river, is
312 located in the larger and wealthier neighboring village of Ta Yu. Most
628 of its members are from Ta Yu village, although there are several
474 members from other nearby villages, including a few from Hsin Hsing.
685 Because the great majority of the pumping station members are Ta Yu
villagers, these members have the controlling hand. Members from
other villages have little if any voice in the making of cooperative
policy. The cooperative's large size caused the Ta Yu members to feel
that they had little to fear from outsiders. Apparently, the cooperative
had unofficially agreed that any outsider caught taking the coopera-
tive's water should be beaten as an example to others and that the
association would fully back whoever did the beating in case any
trouble should ensue. Before the beating of Li Fan and his father
several other such incidents had gone unchallenged.

159 When Li Fan and his father were carried back from the fields, word
628 quickly spread through Hsin Hsing village. The villagers were at once
685 incensed and felt that those responsible for the brutality should be
625 punished. The police were notified at once, and a doctor was called to
123 treat the men's severe wounds. But until the doctor or police arrived, I
was called in to administer first aid—mainly to stop the bleeding—and
also to photograph Li Fan in his beaten condition.

159 The two police officers who soon came on their bicycles from the
625 local police station were also angry at this new violence and recorded
694 the stories of the two victims and the witnesses. Later, however, when
554 an attempt was made to arrest the two Ta Yu villagers, they insisted
628 that they had not started the fight, had only fought back in self-
defense, and in fact had themselves been beaten by Li Fan and his
father. This, under the law, meant that the accused would not neces-
sarily be held by the police, especially since a wealthy and influential
man in the area who was a friend of the Ta Yu pumping station
cooperative had acted as guarantor for the two men. The men were
therefore released and immediately pressed counter charges against Li
and his father with the greatest haste and efficiency. The wealthy Ta
Yu landlord and other leaders who were important persons in the
cooperative as well as influential in the area and the local office of the
government district knew how to handle such matters. And although
the policemen themselves saw that the two Ta Ya men were not hurt
in the fight, the two men were nevertheless able to purchase false

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affidavits of injury from a notorious doctor in a nearby market town.

Meanwhile, the Hsin Hsing villagers faced problems. They did not have anyone who could help write up the accurately detailed letter of accusation required under Chinese law. When they finally found someone to write the letter, it was submitted through the local police and had to go through a long series of channels before it finally reached the courts.

Several days went by and nothing seemed to happen in the case. When the Hsin Hsing villagers—mainly the few relatives and close friends of Li Fan and his father—went to ask the police what was happening, they were told that such things take time and that it would perhaps be better if they tried to settle the case with the Ta Yu villagers through mediation.

About this time, the Ta Yu villagers who were in the pumping station cooperative and who represented the two assailants made overtures to mediate. The reason they offered was that since both sides were hurt in the fight, they should forget the whole matter instead of pressing further and going to court. To this suggestion there was, of course, no agreement.

The Hsin Hsing villagers were in an awkward position. Although most of them would have liked to help Li Fan and his father win satisfaction and compensation for their injuries and to teach their assailants a lesson, they could do little. One of the main problems was that they had no one who would or could act as their leader. They were an unorganized group, and did not know what to do or how to go about handling the case. This was unlike the men from Ta Yu, who not only had a large powerful pumping station organization to support them, but also had the wealthy and influential village landlord who was a key figure in the cooperative and an influential and powerful man in the area to act in their behalf. Hsin Hsing village no longer has capable and interested village landlords who can lead them in times of trouble. As mentioned in Chapter 4, this may well be a general problem in villages where land reform has at least indirectly caused the downfall in wealth and prestige and especially the community interest of many of the former landlords.

Had Hsin Hsing been a single *tsu* village, Li Fan and his father as part of such a *tsu* might have received more active support from the village as a whole. A *tsu* village's organization and leadership, which grow out of family relationships, would undoubtedly have been much more centrally structured than this small multi-*tsu* village with its highly devisive units. To make the matter even worse, Li Fan and his father are from one of the smallest family groups, which made it all the more difficult for the village to marshal and organize its leadership, since there is no formal organization to handle such matters.

Another problem was that many of the villagers who were at first

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station association, the whole case would be of no avail. They had always held the idea that the poor man without influence could do nothing against the rich and influential. The latter two elements, money and influence, seemed to them to constitute ultimate power. To attempt to do anything against this power was useless. For them even the law was subject to influence by the individuals who hold the power. (This belief was undoubtedly reinforced during the period of Japanese rule, and the present government has done little to remove it.)

At the same time, the villagers felt that since Ta Yu was a neighboring village in which many Hsin Hsing villagers had relatives, if they were to continue to live in peace with Ta Yu and their relatives it was necessary to avoid doing anything which would contribute further to the tensions. After much discussion it became evident that the villagers preferred first to try again to mediate the problem. However, if this did not work out satisfactorily then the case would have to go to court, although they very much doubted that anything could be gained from a court trial.

A few days after the village meeting was held, the Ta Yu side again approached the village—this time through the mayor—asking that they again try to mediate the case. One of the influential men of the area had offered to be mediator at his home in another village about two miles down the road. Mayor K'ang of Hsin Hsing, an educated member of the large Huang *tsu* in Hsin Hsing village, and others of its villagers directly involved in the case attended the mediation meeting.[3] The mediator was a man who was considered to be biased in favor of Ta Yu, and he displayed his bias in the manner in which he tried to mediate the case. Still, since the role of the mediator is a very respected one, the Hsin Hsing villagers agreed to attend the meeting and stayed throughout the proceedings. They felt that it would have been disrespectful to the mediator to leave too soon and that, in addition, it would cause him to lose face, which was to be avoided. Nothing came of this meeting, since the mediator suggested that the Ta Yu side pay Li Fan and his father only a small amount of money as compensation for their injuries.

After several such futile attempts at mediation, the case was finally called up for investigation in the courts. The court procedure called for the accused and the accusers and their witnesses to appear in a special investigative court somewhat similar to a grand jury. The purpose was to investigate the charges, hear the witnesses, and then decide if the court should indict the accused.

The investigation is highly formalized. Since neither the accused nor the accuser may have their lawyer present, the only document on which the investigators base their inquiry is the original letter of accu-

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159 694 sation. On the basis of the information furnished in this statement, it is up to the investigator to get at all the facts in the case.

Unfortunately, on the basis of the Hsin Hsing side's letter of accusation, the court investigator's questions to the witnesses were such that the investigator felt that there was not enough evidence for an indictment to send the case to court, since each pair of men insisted that they had been beaten. Instead, he, like the police earlier, suggested that the two parties involved mediate their differences. Unfortunately, he did not know many facts in the case, including the fact that mediation had already failed and that the local police could be called upon to testify that the Ta Yu men had not been beaten.

Later, however, additional facts were made available to the examiner, and upon learning of these, another investigation was immediately held and an indictment was brought against the assailants. [695] Several weeks later the case came to court, and Li Fan and his father were awarded an amount of money large enough to cover doctor and hospital bills.

621 612 When village loyalty threatens *ch'in ch'i* loyalty, there is bound to be conflict in the minds of the villagers. Unlike the set institutionalized patterns for behavior regarding patrilineal relatives, there is no real institutionalization of behavior on the basis of village membership or *ch'in ch'i* relationship. This leaves ultimate behavior up to the individual, totally unstructured and influenced only according to situation. Although villagers do feel that one should not side with *ch'in ch'i* from elsewhere over one's own villagers, nevertheless, since one's village does not coincide with one's kinship group, villagers do not feel bound to support a fellow villager as they would if he were a patrilineal relative.

571 621 628 198 As a result, villagers realize that one's dependence on others must not be limited to certain people or groups simply because of the chance relationship of village membership or even, for that matter, by membership in kinship groups which may be either too small or economically too weak to be of real help. Instead, it is considered necessary to extend one's possible sources of support beyond village and patrilineal relations, by building one's network of reciprocal relationships to include people such as friends, neighbors, and *ch'in ch'i*. Then, the relationship can be based on good *kan-ch'ing*, and on such a basis people often show a greater willingness to become involved in each other's problems and to render full support.

[594] This attitude about the importance of extensive relationships outside the village, plus the expansion beyond the village that general economic change is forcing on so many villagers, tends to produce a more independent and less village-bound economic family group. It is